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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,423	09/17/1999	JEFFREY H. STARR	020431.0450	8715

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EXAMINER

LINZEY, DAVID

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/397,423

Applicant(s)

STARR ET AL.

Examiner

David Linzey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "206" has been used to designate both an axis and the element "QR-200". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- System 10 does not exist in Fig. 1 (page 5 line 3);
- 116 is not a pull-down selector (page 11 line 10). It should be 126.
- 200 is not a second axis (page 12 line 30);

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 6-10, 12-18 and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al U.S. Patent 5,953,707. Huang discloses a system with a customizable GUI (col. 98 lines 19 – 30) comprising;

an enterprise model representing a supply chain that involves a plurality of products and resources (col. 1 line 66 – col. 2 line 4);

a planning engine operable to use the enterprise model to generate planning information for the supply chain according to one or more specified constraints and one or more optimization criteria (col.13 lines 9 – 44); and

a presentation interface operable to generate a first visual display for selected planning information, the first visual display comprising a cashflow report providing a net present value for one or more products in the supply chain, each net present value reflecting revenues and expenses associated with a corresponding product according to time periods in which the revenues and expenses occur (col. 20 lines 6 – 46).

As per claim 8, Huang discloses a display comprising a profit margin report that indicates for one or more products associated with a specified resource, a profit margin for each time interval the resource is in use (col. 20 lines 12 –37).

As per claim 14, Huang discloses a display comprising a report that indicates for one or more products in the supply chain, a forecasted demand and a number of units allocated for production (col. 19 lines 9 – 30).

As per claim 22, Huang discloses a display comprising a report that indicates a plant distribution report with a plurality of locations, profits margins per hour, and a plurality of icons representing resources in the supply chain, each icon positioned relative to the first axis to indicate a location associated with a corresponding resource and relative to the second axis to indicate a profit margin per hour associated with the corresponding resource (col. 37 line 59 – col. 38 line 23).

As per claim 2, Huang discloses a report comprising;

- a first panel presenting a list of the products;
- a second panel presenting the net present value for each listed product; and
- a third panel presenting a plurality of columns, each column corresponding to a specified time period and providing a net cashflow associated with each listed product during that time period (Fig. 56, col. 37 lines 9 – 29 and lines 55 – 58).

As per claim 4, Huang discloses a product report comprising;

- a first bar graph indicating, for one or more products in the supply chain, a percentage of forecasted demand satisfied by allocated production;
- a second bar graph indicating a profit margin per unit for each of the products; and
- a third bar graph indicating, for each of the products, a number of units produced for each time interval a specified resource is in use (Fig. 43 and col. 97 line 31 – col. 98 line 35).

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As per claims 6, 12, and 20, Huang discloses a display comprising a utilization report that indicates, for a plurality of resources, a percentage of time during which each resource is in use (col. 108 line 41 – col. 109 line 28).

As per claim 7, 13, and 21, Huang discloses a display comprising a utilization report that indicates, for a plurality of purchased raw materials, a percentage of each raw material that is utilized (col. 109 line 4 – col. 110 line 14).

As per claim 9, Huang discloses a profit margin report in graph format comprising:
a first axis scaled in terms of profit margins per unit;
a second axis scaled in terms of numbers of units produced for each time interval the specified resource is in use; and

a plurality of nodes representing the products associated with the specified resource, each node located at a position in the graph corresponding to the values for the product on the first and second axes (col. 20 lines 12 – 37).

As per claim 10, Huang discloses a product report comprising;
a first bar graph indicating, for one or more products in the supply chain, a percentage of forecasted demand satisfied by allocated production;
a second bar graph indicating a profit margin per unit for each of the products; and
a third bar graph indicating, for each of the products, a number of units produced for each time interval a specified resource is in use (col. 21 lines 38 – 64).

As per claim 15, Huang discloses a report comprising;

a first axis scaled in terms of numbers of units;

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a bar, associated with a product in the supply chain, extending from a second axis to a height corresponding to a first position on the first axis, the first position indicating a number of units of the product that could be sold according to customer demand; and

a marker on the bar corresponding to a second position on the first axis, the second position indicating a number of units of the product allocated for production (col. 20 line 50 – col. 21 line 24).

As per claim 16, Huang discloses a report for one or more products associated with a specified resource, a forecasted demand and a number of units allocated for production (col. 19 lines 9 – 30).

As per claim 17, Huang discloses a bar graph comprising;

a first axis scaled in terms of profit margins for each time interval the specified resource is used;

a second axis scaled in terms of number of units;

a bar, associated with a product associated with the specified resource, extending from a first position on the first axis to a height corresponding to a second position on the second axis, the first position indicating a profit margin for each time interval the specified resource is in use with respect to the product associated with the bar, the second position indicating a number of units of the product associated with the bar that could be sold according to customer demand; and

a marker on the bar corresponding to a third position on the second axis, the third position indicating a number of units of the product associated with the bar allocated for production (col. 19 line 31 - col. 20 line 37).

As per claim 18, Huang discloses a product report comprising;

a first bar graph indicating, for one or more products in the supply chain, a percentage of forecasted demand satisfied by allocated production;

a second bar graph indicating a profit margin per unit for each of the products; and

a third bar graph indicating, for each of the products, a number of units produced for each time interval a specified resource is in use (col. 20 lines 12 –37 and col. 19 lines 9 – 30).

As per claim 23, Huang discloses a plant distribution report comprising a side panel displaying bars corresponding to the locations specified by the first axis in the bottom panel, each bar providing information relating to a selected parameter (col. 38 lines 4 – 23).

As per claim 24, Huang discloses a plant distribution report comprising a side panel displaying planning information relating to a selected location from the first axis in the bottom panel (col. 12 lines 4 – 13).

Because the supply planning system of Huang provides a customizable GUI to create reports and displays in table and graphic forms (col. 98 lines 19 – 30), the examiner considers the bulk of the invention claimed by applicant as anticipated. Also, popular spreadsheet systems such as Microsoft Excel for many years have had the capability to display the reports claimed in the current invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al as applied to claim 1 above and further in view of Koski et al. U.S. Patent 5,596,502. Huang discloses all elements as discussed above in the 102 rejection and also discloses reports with graphs and bars using various display formats (Fig. 43, 50, 60). Huang does not specifically disclose a three-dimensional report. Koski discloses a resource planning system (col. 9 lines 20 – 29) that displays three-dimensional reports (col. 6 lines 9 – 16). Also, it is old and well known in the art that financial spreadsheet products such as Microsoft Excel are capable of displaying three-dimensional reports. At the time of the invention, it would have been obvious to a person of ordinary skill in the art modify the system of Huang with the Koski three-dimensional reports to create a more intuitive analytical display.

Claims 5, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al as applied to claims 1, 8 and 14 above and further in view of Kennedy et al. U.S. Patent 5,832,532. Huang discloses a mix report. Huang does not disclose a pie chart. Kennedy discloses a report generation system that displays pie chart reports (col. 10 lines 24 – 29). Also, it is old and well known in the art that financial spreadsheet products such as Microsoft Excel are capable of displaying information in a pie chart format. At the time of the invention, it would have been obvious to a person of ordinary skill in the art modify the system of Huang to include the Kennedy pie chart displays to give the user a desirable layout for analysis of data.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Milne et al U.S. Patent 6,049,742 teaches a decision support supply planning system (col. 4 lines 34 – 45).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Linzey whose telephone number is 703-305-4570. The examiner can normally be reached on 8-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DL
April 8, 2002


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